

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DJP

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GISELLE FRITZ F/K/A GISELLE
CARTER; EVAN DAVIS; JASON
SPIEGEL-GROTE; ON BEHALF OF
THEMSELVES AND OTHERS
SIMILARLY SITUATED,

FINAL ORDER AND JUDGMENT
11-CV-3300 (FB)

Plaintiffs,

-against-

RESURGENT CAPITAL SERVICES,
LP; LVNV FUNDING, LLC; ALEGIS
GROUP, LLC; MEL S. HARRIS AND
ASSOCIATES, LLC; DAVID
WALDMAN; RESURGENT CAPITAL
SERVICES, LLC,

Defendants.

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 12 2016 ★
BROOKLYN OFFICE

This matter comes before the Court on Plaintiffs' Unopposed Motion for final approval of the August 26, 2015 Settlement Agreement.

IT IS HEREBY ORDERED AS FOLLOWS:

The total number members of the Credit Reporting Class is 56,545, the Misidentification Subclass is 4,942, the Lack of Standing Subclass is 537, and the Unlicensed Subclass is 537. Notice was sent by first class mail to each class and subclass member at their last known mailing address using Accessible Contact Information.

A total of six Credit Reporting Class members requested exclusion from the Settlement, and a total of zero Credit Reporting Class members objected to the Settlement.

A total of zero Misidentification Subclass members requested exclusion from the Settlement, and a total of zero Misidentification Subclass members objected to the Settlement.

A total of zero Lack of Standing Subclass members requested exclusion from the Settlement, and a total of zero Lack of Standing Subclass members objected to the Settlement.

A total of zero Unlicensed Subclass members requested exclusion from the Settlement, and a total of zero Unlicensed Subclass members objected to the Settlement.

The Court being duly advised in the premises, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

Definitions. For the purposes of this Judgment and Order of Dismissal (the “Judgment”), the Court adopts by reference the definitions set forth in the Definitions section of the Settlement Agreement, attached as an exhibit to the Keshavarz Declaration in Support of Plaintiffs’ Unopposed Motion for Class Certification, Appointment of Class Counsel, and Preliminary Approval of Class Action Settlement.

Notice. The Court finds that the distribution of the Notice as provided for in the Conditional Approval Order accurately informed all Class Members of the material elements of the Settlement, constituted the best notice practicable under the circumstances to all Persons within the definition of the Class, constituted valid, due and sufficient notice

and fully met the requirements of Federal Rule of Civil Procedure 23, any and all substantive and procedural due process rights guaranteed by the United States Constitution, and any other applicable law.

Final Approval. The Court finds that the Settlement is fair, reasonable, and adequate, and accordingly, the Court approves the Settlement and directs that the Parties implement it in accordance with its terms.

The Parties are to bear their own costs, except as otherwise provided in the Agreement. In particular, Defendants will pay the settlement administration costs apart from the Settlement Fund.

Injunction. The Court finds that all Class Members, except Persons who timely and effectively requested exclusion from the Settlement, if any, shall, as of the date of the entry of Final Judgment, conclusively be deemed to have released and forever discharged the Defendants from all Released Claims and from asserting, instituting or prosecuting in any capacity, before any court or governmental agency, any action or proceedings against the Defendants that assert any Released Claims.

Credit Reporting Injunction. Pursuant to the terms of the Settlement, the Court orders Defendants Resurgent Capital Service, LP and LVNV Funding, LLC to delete any existing tradeline currently reported to any Credit Reporting Agency for all members of the Credit Reporting class regarding the debts that are the subject of the FDCPA lawsuit.

The Court retains jurisdiction to enforce this injunction.

Defendants' Denial of Liability. The Court notes that Defendants deny any liability to Plaintiff or to the Class for any matter whatsoever. Neither the Final Judgment nor the Settlement Agreement shall constitute an admission of liability by the settling parties of any liability or wrongdoing. Without conceding any infirmity in their defenses, and while continuing to deny all allegations of liability, Defendants consider it desirable that the action be dismissed and that the claims against Defendants be released, on the terms set forth herein, in order to avoid further expense, dispose of burdensome and protracted litigation and put to rest all claims, which have or could have been asserted against Defendants arising from the acts, transactions, or occurrences alleged in the action.

Dismissal of Complaint. The Complaint is hereby dismissed with prejudice.

Jurisdiction. The Court finds that it has jurisdiction over the subject matter of the Action and the settling parties for the purposes of, among other things: (i) supervising the implementation, enforcement, construction and interpretation of the Settlement Agreement (including the credit reporting injunction), the Conditional Approval Order, and the Final Judgment; and (ii) supervising the administration and distribution of the relief to the Class Members and resolving any disputes that may arise with regard to any of the foregoing.

Attorneys' Fees. The Court awards to Class Counsel Attorneys' Fees and costs in the total amount of \$132,485.

Entry of Judgment. In accordance with Rule 54(b) of the Federal Rules of Civil

Procedure, the Court finds there is no just reason to delay entry of this Judgment and the Clerk of the Court is ordered to enter Final Judgment forthwith.

SO ORDERED


s/Frederic Block



FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 9, 2016